

APPEAL NO. 040947  
FILED JUNE 16, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on February 3, 2004, and continued with the record closing on March 22, 2004. The hearing officer determined that the respondent (claimant) sustained a repetitive trauma injury while in the course and scope of employment on \_\_\_\_\_; that the appellant (carrier) is not relieved from liability under Section 409.002 because the claimant timely notified the employer pursuant to Section 409.001; and that the claimant has had disability resulting from the injury sustained on \_\_\_\_\_, beginning on May 29, 2003, and continuing through the date of the CCH, March 22, 2004. The carrier appealed, arguing that the hearing officer's determinations are against the great weight and preponderance of the evidence. The claimant responded, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in making her injury, timely notice, and disability determinations. Those issues presented questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was persuaded that the claimant sustained her burden of proving that she sustained an injury as a result of performing repetitively traumatic activities at work, that she timely notified her employer of her injury, and that she had disability from May 29, 2003, and continuing through the date of the CCH, March 22, 2004. The factors emphasized by the carrier in challenging those determinations on appeal are the same factors it emphasized at the hearing. The significance, if any, of those factors was a matter for the hearing officer in resolving the issues before her. Nothing in our review of the record reveals that the challenged determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse those determinations on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **PACIFIC EMPLOYERS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**ROBIN M. MOUNTAIN  
6600 CAMPUS CIRCLE DRIVE EAST, SUITE 300  
IRVING, TEXAS 75063.**

---

Veronica L. Ruberto  
Appeals Judge

CONCUR:

---

Elaine M. Chaney  
Appeals Judge

---

Edward Vilano  
Appeals Judge